

**STATEMENT UNDER 37 CFR 3.73(b)**

Patent Owner: Spinal Dynamics Corporation

Patent No.: 5,865,846

Issue Date: February 2, 1999

Entitled: Human Spinal Disc Prosthesis

Spinal Dynamics Corporation, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of an undivided part interest

In the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached. Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

1-15-02

Date

Signature

Earl M. Douglas

Typed or printed name

Vice President and General Counsel

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

ASSIGNMENT

WHEREAS, we, Vincent BRYAN and Alex KUNZLER, have invented certain improvements in "Human Spinal Disc Endoprosthesis" for which we have filed an application for United States Letters Patent on May 15, 1997, assigned U.S. Serial No. 856,513, which issued as U.S. Patent No. 5,865,846; and

WHEREAS, SPINAL DYNAMICS CORPORATION, a corporation having an office at 9655 SE 36<sup>th</sup> Street, Suite 110, Mercer Island, WA, 98040-3732, desires to purchase same;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration paid by SPINAL DYNAMICS CORPORATION, the receipt and sufficiency of which are hereby acknowledged, we have sold, assigned, transferred and conveyed the entire right, title and interest in and to U.S. Patent No. 5,865,846 and in and to any reissues, renewals, divisionals, or continuations thereof, or corresponding foreign applications that claim benefit thereof, together with all claims for damages by reason of past infringement of the patents and the right to sue for and collect such damages for its own use, the same to be held and enjoyed by SPINAL DYNAMICS CORPORATION for its own use and enjoyment and the use and enjoyment of its successors, assigns or other legal representatives to the full end of the term for which the patents are granted or reissued as fully and entirely as the same would have been held and enjoyed by us if this assignment and sale had not been made. Further, we bind ourselves, our legal representatives, administrators and assigns properly to execute without further consideration any and all applications, petitions, oaths and assignments or other papers

U.S. Serial No. 09/618,618

Filed: July 18, 2000

## ASSIGNMENT

and instruments which may be necessary in order to carry into full force and effect the sale, assignment, transfer and conveyance made or intended to be made.

Vincent Bryan  
Vincent Bryan

Vincent Bryan

Alex Kunzler  
Alex Kunzler

---

Alex Kunzler

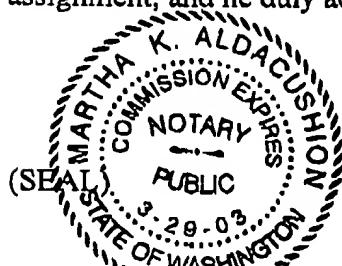
STATE OF WASHINGTON

1

COUNTY OF King

) ss.)

On this 2d day of February, 2001, before me, a notary public, came Vincent Bryan, to me known and known to be the individual described in and who executed the foregoing assignment, and he duly acknowledged the same to be his free act and deed.



Martha Aldacushion  
Notary Public

My Commission expires: March 29, 2003

STATE OF WASHINGTON

1

COUNTY OF King

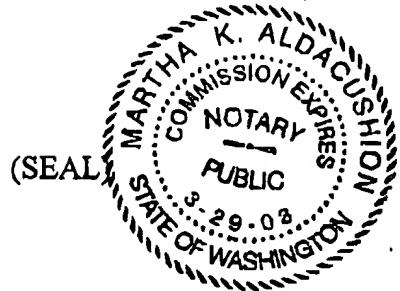
) ss  
)

U.S. Serial No. 09/618,618

Filed: July 18, 2000

**ASSIGNMENT**

On this 2d day of February, 2001, before me, a notary public, came Alex Kunzler, to me known and known to be the individual described in and who executed the foregoing assignment, and he duly acknowledged the same to be his free act and deed.



Martha Aldacushion  
Notary Public

My Commission expires: March 29, 2003